

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ben Gilmore	Team: Squad #11	CCRB Case #: 201604099	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/01/2016 7:42 PM	Location of Incident: 3815 Avenue D	Precinct: 67	18 Mo. SOL 11/1/2017	EO SOL 11/1/2017	
Date/Time CV Reported Thu, 05/12/2016 3:48 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 05/12/2016 3:48 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joel Crooms	17984	950249	067 PCT
2. POM Angel Pimentel	26117	934065	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Derek Gilson	03085	941816	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joel Crooms	Abuse: Police Officer Joel Crooms searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Joel Crooms	Abuse: Police Officer Joel Crooms threatened § 87(2)(b) with the use of force.	
C.POM Angel Pimentel	Abuse: Police Officer Angel Pimentel frisked § 87(2)(b).	
§ 87(2)(g), § 87(4-b)		

### Case Summary

On May 12, 2016, § 87(2)(b) filed this complaint via the Civilian Complaint Review Board (CCRB) website on behalf of herself and her boyfriend, § 87(2)(b). There is no video footage of the incident.

On May 1, 2016, at approximately 7:42 p.m., § 87(2)(b) was driving her vehicle in the vicinity of 3815 Avenue D in Brooklyn, as § 87(2)(b) the sole passenger, sat in the front seat. On the dashboard directly in front of the steering wheel inside § 87(2)(b)'s vehicle was a Fire Department of New York (FDNY) parking placard that had an expiration date from 2012 and the field for an identification number was blank. § 87(2)(b) is a firefighter, and she believed that the FDNY had issued the placard to him.

§ 87(2)(b) crossed a double solid yellow line, and was pulled over by an unmarked police vehicle containing three Anti-crime officers from the 67<sup>th</sup> Precinct: Sergeant Derek Gilson, PO Joel Crooms, and PO Angel Pimentel. PO Crooms approached § 87(2)(b) on the front driver's side, and after a brief interaction, he asked about the FDNY parking placard. § 87(2)(b) testified that she replied that her brother was a firefighter, and asked PO Crooms if he would like his information.

PO Crooms stuck his hand through the front driver's side window, inside the vehicle, and reached for the placard on top of the dashboard (**Allegation A**). § 87(2)(b) retrieved the placard before PO Crooms could reach it. PO Crooms ordered § 87(2)(b) out of the vehicle, but she refused. § 87(2)(b) alleged that Sgt. Gilson told her that if she did not exit the vehicle, she would be physically removed from it, but the investigation determined that PO Crooms made this comment (**Allegation B**).

PO Pimentel, who stood outside the front passenger's seat of § 87(2)(b)'s vehicle, ordered § 87(2)(b) to exit the vehicle, and he complied. § 87(2)(b) alleged that PO Pimentel patted his waist and pockets (**Allegation C**). § 87(2)(g), § 87(4-b)

Eventually, § 87(2)(b) exited her vehicle under her own power provided the placard to Sgt. Gilson. § 87(2)(b) was placed under arrest, and she was charged with § 87(2)(b) (Board Review 03). § 87(2)(b) was released from the 67<sup>th</sup> Precinct with a Desk Appearance Ticket (Board Review 04), § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Mediation, Civil and Criminal Histories

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of July 26, 2016, a Notice of Claim was not filed regarding this incident (Board Review 07).

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 08), and the first CCRB complaint in which § 87(2)(b) has participated (Board Review 09).
- PO Crooms has been a member-of-service for five years, and he has been the subject of 12 previous CCRB allegations, two of which were substantiated.
  - In CCRB 201408836, a ‘frisk’ allegation was substantiated against PO Crooms. The CCRB recommended Command Discipline A, and the NYPD imposed a discipline of formalized training.
  - In CCRB 201506814, a ‘frisk’ allegation was substantiated against PO Crooms. The CCRB recommended formalized training, but the NYPD disposition remains unknown.
- PO Pimentel has been a member-of-service for 12 years, and he has been the subject of eight previous CCRB allegations, none of which were substantiated § 87(2)(g)

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

§ 87(2)(b) (Board Review 10) alleged that Sgt. Gilson threatened to physically remove her from her vehicle if she did not exit. However, PO Crooms (Board Review 11) indicated that he was the sole officer who made this statement to § 87(2)(b) and he testified that he made the alleged threat of force three times. Sgt. Gilson (Board Review 12) denied making the alleged threat of force, and no officer interviewed indicated that Sgt. Gilson made the alleged statement.

§ 87(2)(g)

#### **Allegation A – Abuse of Authority: Police Officer Joel Crooms searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

It is undisputed that § 87(2)(b) committed a moving violation, and she was pulled over by PO Crooms and his two partners—Sgt. Gilson and PO Pimentel—solely for this reason. It is further undisputed that PO Crooms reached his hand inside § 87(2)(b)'s vehicle to retrieve an FDNY parking placard that he said he suspected was forged. It is also undisputed that the only reason he did this was to retrieve the placard, and that § 87(2)(b) was not under arrest at this time.

PO Crooms indicated that when he reached his hand inside § 87(2)(b)'s vehicle, he “had an idea” that the placard was forged based on the expiration date from 2012 and the lack of an identification number, but that § 87(2)(b) was not deemed to be under arrest for a forged placard until later in the incident when he was able to further investigate the placard by feeling it and comparing it to an image of an authentic one.

When there is probable cause to believe a vehicle contains evidence of criminal activity, a search of any area of the vehicle in which the evidence might be found is authorized. Arizona v. Gant, 556 U.S. 332 (2009) (Board Review 18).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B – Abuse of Authority: Police Officer Joel Crooms threatened § 87(2)(b) with the use of force.**

It is undisputed that § 87(2)(b) refused to exit her vehicle upon the orders of PO Crooms. § 87(2)(b) alleged that she was told that if she did not exit the vehicle, she would be physically removed from it. PO Crooms testified that he made this alleged statement three times, while § 87(2)(b) continually refused to exit her vehicle.

Sgt. Gilson and PO Pimentel (Board Review 13) both denied hearing any officer make the alleged threat of force, and § 87(2)(b) did not mention hearing any officer make the alleged threat of force.

A police officer who lawfully stops a car may order the driver to step out of the car. People v. David L., 81 ED2d 893 (1982) (Board Review 14).

§ 87(2)(g)

**Allegation C – Abuse of Authority: Police Officer Angel Pimentel frisked § 87(2)(b)**

It is undisputed that during the course of the vehicle stop, § 87(2)(b) was ordered to exit the vehicle. It is further undisputed that § 87(2)(b) was cooperative during the incident, and that there was no indication that he had a weapon on his person.

§ 87(2)(b) (Board Review 19) alleged that after stepping out of the vehicle, PO Pimentel patted down his waist and pockets. § 87(2)(b) testified that she believed that § 87(2)(b) was patted down after he stepped out of the vehicle based on how § 87(2)(b) was positioned after exiting—his stomach was against the passenger’s side of the vehicle—but she did not specifically see any officer pat him down.

PO Pimentel denied frisking § 87(2)(b). PO Crooms testified that § 87(2)(b) “probably was” frisked, but he did not personally see this, nor did any officer tell him that § 87(2)(b) was frisked. Sgt. Gilson denied seeing PO Pimentel frisk § 87(2)(b). No Stop, Question and Frisk Report was prepared regarding § 87(2)(b) (Board Review 02).

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

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Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date